

INSTRUCTION NO. [5-501(a)]

[Definition of “Without Consent” for Sexual Assault Prosecutions, 2003]

As used in the definition of sexual assault, the term “without consent” means that the victim did not agree to, approve of, or give permission for the defendant’s act[s].

GIVEN: _____
District Judge

Source: MCJI 5-501(a)

Plaintiff's Proposed Instruct. No. ____ Defendant's Proposed Instruct. No. ____

Given as Instruction No. ____ Refused ____ Withdrawn ____ By ____

[Definition of “Without Consent” for Sexual Assault Prosecutions, Source and Comments, 2003]

SOURCE: Black’s Law Dictionary; Webster’s New Collegiate Dictionary
State v. Detonancour, 2001 MT 213, ¶ 63, 306 Mont. 389, 34 P.3d 487 (The ordinary meaning of “without consent” applies to the offense of sexual assault).

COMMENT: Cite as MCJI 5-501(a).